

APPEAL NO. 023135  
FILED JANUARY 28, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 12, 2002. With respect to the single issue before him, the hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the first quarter. In his appeal, the claimant essentially argues that the determinations that he did not make a good faith effort to look for work in the qualifying period for the first quarter and that he is not entitled to SIBs are against the great weight of the evidence. In its response to the claimant's appeal, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on \_\_\_\_\_; that he reached maximum medical improvement on August 10, 1999, with an impairment rating of 48%; that he did not commute his impairment income benefits; that the first quarter of SIBs ran from May 15 to August 13, 2002; and that the qualifying period for the first quarter ran from January 31 to May 1, 2002. The claimant sought SIBs on a no-ability-to-work theory.

The hearing officer did not err in determining that the claimant did not satisfy the good faith requirement in the qualifying period for the first quarter of SIBs by demonstrating that he had no ability to work during the relevant qualifying period. The hearing officer was not persuaded that the evidence presented by the claimant was sufficient to satisfy the requirements of Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(4) (Rule 130.102(d)(4)); thus, he further determined that the claimant did not prove that he had no ability to work during the qualifying period for the first quarter. Nothing in our review of the record reveals that that determination is so against the great weight as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to disturb the good faith determination, or the determination that the claimant is not entitled to SIBs for the first quarter, on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Michael B. McShane  
Appeals Panel  
Manager/Judge